



MERCY COLLEGE

INTERNATIONAL STUDENTS REFUND POLICY

Rationale

In the spirit of Catherine McAuley and the Mercy tradition, Mercy College provides a Catholic education for young people and endeavours to make Catholic education accessible to all those who desire it.

At Mercy College (the "College") we hold the care, safety and wellbeing of children and young people as a central and fundamental responsibility of our College. Our commitment is drawn from and inherent in the teaching and mission of Jesus Christ, with love, justice and the sanctity of each human person at the heart of the gospel.

Source of Obligation

Division 2 of Part 5 of the ESOS Act describes the College's obligations to provide refunds to students.

Standard 2.1.7 of the National Code requires the College to make comprehensive, current and plain English information available to international students on our cancellation and refund policies.

Standard 3.4 of the National Code requires the College to include, in our written agreement between the College and the international student or intending international student (or their parents/guardians if the student or intending student is under 18 years of age), the information included in 3.4.1 to 3.4.5 of the National Code, consistent with the requirements of the ESOS Act, in relation to refunds of tuition and non-tuition fees (including any tuition and non-tuition fees collected by education agents on behalf of the College) in the case of either international student default or the College's default.

The information that is required to be included in the written agreement includes the process for making a claim for a refund.

This Policy sets out when a refund may be payable, consistent with the requirements of the ESOS Act.

The calculation of the refund is governed by the ESOS Act and the Education Services for Overseas Students (Calculation of Refund) Specification 2014 (Refund Specification), where there is a College default (see Meaning of Default, below) or where there is a default by the international student that is related to the refusal of a visa. In other circumstances, the amount of the refund is governed by our written agreement.



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Protocol

This policy is:

- provided to international students prior to them entering into their written agreement with the College
- included with the letter of offer

Meaning of a Default

Sections 46A and 47A of the ESOS Act describe provider default and student default. The following table summarises the different kinds of default and the associated provisions that govern the payment of refunds.

College Default	International student Default
<p>(i) The College fails to start to provide the course on the agreed starting day (the “default day” is the agreed starting day): section 46A(1)(a)(i) of the ESOS Act</p> <p>OR</p> <p>(ii) The College ceases to provide the course after it starts but before it is completed (the “default day” is the day the course ceases to be provided): section 46A(1)(a)(ii) of the ESOS Act</p> <p>AND</p> <p>the student has not withdrawn before the default day: see International student Default (b).</p> <p>The College’s obligations are to arrange the offer of an alternative course or provide a refund: section 46D of the ESOS Act.</p> <p>Calculation of the refund of tuition fees (see Fee Information) is governed by section 7 of the Refund Specification.</p>	<p>(a) The course starts on the agreed starting day, but the international student does not start the course on that day (and has not previously withdrawn: see (b) below): section 47A(1)(a) of the ESOS Act</p> <p>Calculation of any refund of tuition fees or non-tuition fees (see Fee Information) is governed by our written agreement: section 47D of the ESOS Act</p> <p>UNLESS</p> <p>the reason for the international student default is a refusal of visa. If so, calculation of the refund of course fees (see Fee Information) is governed by section 9 of the Refund Specification.</p>



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	<p>(b) The international student withdraws from the course, either before or after the agreed starting day (the “default day” is the day on which the international student withdraws from the course): section 47A(1)(b) of the ESOS Act</p> <p>Calculation of any refund of tuition fees or non-tuition fees (see Fee Information) is governed by our written agreement</p> <p>UNLESS</p> <p>the reason for the international student default is a refusal of visa. If so, calculation of the refund of fees is governed by:</p> <p>section 9 of the Refund Specification, if the international student withdrew from the course on or before the agreed starting day</p> <p>section 10 of the Refund Specification, if the international student withdrew from the course after the agreed starting day.</p>
	<p>(c) The College refuses to provide, or continue to provide, the course to the international student (the “default day” is the day on which the College refuses to provide, or continue to provide, the course): because of one or more of the following events:</p> <p>(i) failure by the international student to pay an amount that they were liable to pay to the College, directly or indirectly, in order to undertake the course: section 47A(1)(c)(i) of the ESOS Act</p> <p>(ii) breach by the international student of a condition of their visa: section 47A(1)(c)(ii) of the ESOS Act</p> <p>(iii) misbehaviour by the international student (as long as the international student</p>



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	<p>has been provided with procedural fairness before the College refuses to provide, or continue to provide, the course): section 47A(1)(c)(iii) and 47A(3) of the ESOS Act.</p> <p>Calculation of any refund of tuition fees or non-tuition fees (see Fee Information) is governed by our written agreement</p> <p>UNLESS</p> <p>the international student default is failure to pay ((i) above) and the reason for the default is a refusal of visa. If so, calculation of the refund of fees is governed by section 10 of the Refund Specification.</p>
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Mercy College's Policy

The College's tuition fees and non-tuition fees are payable in accordance with the Mercy College Enrolment Agreement.

The College will provide a refund to an international student or intending international student in the following circumstances:

- if there is a College default (as defined in this Policy) and the international student for some reason, cannot be placed or refuses placement in an alternative course arranged by the College
- if there is an international student default (as defined in this Policy)
- where the international student defaults due to visa refusal before commencing at the College
- where the international student defaults due to visa refusal after commencing at the College
- where the international student defaults because they failed to pay an amount that they were liable to pay the College.

Please note: The enrolment application fee is non-refundable.

The methods of calculating the amount of the refund of any tuition fees and non-tuition fees is determined either by the terms of the international student's written agreement with the College or, the Refund Specification. The ESOS Act determines which circumstances of default will trigger the calculation of a refund in accordance with the Refund Specification.



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Fee Information

Section 7 of the ESOS Act defines "Tuition fees" and section 5 of the ESOS Regulations defines "Non-tuition fees". In summary:

Tuition fees are fees directly related to the provision of the international student's course, received directly or indirectly from the international student or intending international student (or a person who pays the fees on behalf of the international student).

Non-tuition fees are fees not directly related to the provision of the international student's course.

Obligations When the College Defaults

If there is a College Default (refer to Meaning of Default, above) and the international student cannot be placed or refuses placement in an alternative course arranged by the College, the College will pay a full refund of any unspent tuition fees received* by the College, with respect to the international student, within 14 days of the default day.

If the College is unable to fulfil its obligation of either making the international student an offer of a suitable alternative course that the international student accepts, or providing a refund, the international student will receive assistance from the Australian Government's Tuition Protection Service (TPS). For more information on the TPS, refer to <https://www.dese.gov.au/tps>.

*Section 7 of the Refund Specification sets out the calculation of a refund in the case of the College's default as: refund amount = weekly tuition fee X weeks in default period.

Weeks in Default Period is defined in section 6 of the Refund Specification.

International student Default: No Refund

If the College refuses to continue to provide the course to the international student, this may lead to a cancellation of the international student's enrolment under Standard 9.3: refer to our Deferring, Suspending or Cancelling an International student's Enrolment Policy.

International student Default Due to Visa Refusal: Before Commencing at the College: Refund

If an international student's visa is refused, and this causes them to fail to start their course at the College on the agreed date or to withdraw from the course before the agreed start date, the College will make a refund payment of the total amount of the course fees received by the College, minus the lesser of the following amounts:

- 5 per cent of the amount of the course fees (which is the sum of the tuition fees and the non-tuition fees) received by the College before the international student's default day



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- \$500.

This refund calculation is governed by section 9 of the Refund Specification.

International student Default Due to Visa Refusal: After Commencing at the College: Refund

If an international student's visa is refused and this causes the international student to withdraw from the course after the course has commenced, the College's will make a refund payment of the calculated as follows:

Refund amount = weekly tuition fee X weeks in default period.

This refund calculation is governed by section 10 of the Refund Specification.

Weeks in Default Period is defined by section 6 of the Refund Specification.

International student Default Due to Visa Refusal and Failure to Pay an Amount: Refund

If an international student's visa is refused because the international student's failure to pay an amount that they were liable to pay the College, directly or indirectly, in order to undertake the course, the College's will make a refund payment of the calculated as follows:

Refund amount = weekly tuition fee X weeks in default period.

This refund calculation is governed by section 10 of the Refund Specification.

Weeks in Default Period is defined by section 6 of the Refund Specification.

International student Withdrawal

International students may wish to withdraw from their enrolment in a course at the College. International student withdrawal is classified as an international student default and the College will provide a refund of tuition fees in accordance with the terms of the written agreement and the procedure in this Policy.

The international student must notify the College in writing of their request to withdraw from the course four weeks prior to the commencement of the study period for that course.

To request a withdrawal from a course at the College, international students must contact the Principal via email: principal@mercycoburg.catholic.edu.au



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The school will refund within 28 days of the receipt of written notification of withdrawal by the parent(s)/legal guardian, tuition fees paid by or on behalf of the student less the amounts to be retained as agreed and detailed below.

- If written notice is received up to 4 weeks prior to commencement of the course, the school will be entitled to retain an administration fee.
- If written notice is received less than 4 weeks prior to commencement of the course, 70% of the tuition fee will be refunded.
- If written notice is received within six months of the commencement date of the student's course, only one term's (or ten weeks) tuition fees will be refunded from the annual tuition fee.
- If written notice is received more than six months after the commencement date of the student's course no refund of tuition fees will be made.

No refund of tuition fees will be made where a student's enrolment is cancelled for any of the following reasons;

- Failure to maintain satisfactory course progress
- Failure to maintain satisfactory attendance
- Failure to maintain approved welfare and accommodation arrangements
- Failure to pay course fees
- Any behaviour identified as resulting in enrolment cancellation in the Mercy College Student Behaviour Policy and Mercy College Student Code of Conduct or incidents involving criminal offences.

In the unlikely event that Mercy College is unable to deliver a student's course in full, the student will be offered a full refund of all tuition money paid to date. The refund will be paid to the student within 2 weeks of the day on which the course ceased being provided.

Visa Implications

The Marketing and Admissions Manager will give information to international students who notify the College in advance of their request to withdraw from a course about the impact that withdrawing from a course may have on their visa.



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Refund Due to Student Transfer to Another School

An international student who has commenced their course at the College and who wishes to withdraw from that course and enrol in a course with another school must follow the Outbound Student Transfer Request process in our International student Transfers Policy.

If an international student's Outbound Student Transfer Request is approved, the refund process is as set out in the written agreement and procedures in this Policy.

Procedure for Providing a Refund

The College will only grant a refund when the following process is followed:

1. An international student or intending international student (or parent(s)/legal guardian if the international student is under 18) applies for a refund, in writing, to the Principal at the College. The Overseas Students Refund Request Form is used for this purpose.
2. The College sends a refund calculation statement to the international student.
3. An international student or intending international student pays any outstanding debts to the College or authorises any outstanding debts to be deducted from the refund.
4. The College approves the refund under this Policy.
5. After approval, the refund is paid to the international student or intending international student, or the same person that initially made the payment of the course fees. The College will pay the refund within the period of:
 - in the case of the College defaulting and the international student has requested a full refund of fees rather than placement in an alternate course: 14 days after the default day*
 - in the case of the international student defaulting and the amount of the refund is calculated under the terms of the written agreement: four weeks after receiving a written claim from the international student under Step 1
 - in the case of the international student defaulting and the amount of the refund is calculated under the terms of the Refund Specification: four weeks after the default day.

*In the case of the College defaulting and the international student has requested a full refund of fees rather than placement in an alternate course, the College must pay the refund within the period of 14 days of the default day regardless of whether or not the international student has complied with Steps 1-4 above.



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Refund of Non-Tuition Fees

Non-Tuition Fees to Overseas Students are non refundable.

Consumer Law Statement

The College's written agreement, and the right to make complaints and seek appeals of decisions and action under various processes, do not affect the rights of the international student to take action under the Australian Consumer Law, if the Australian Consumer Law applies.

Notification of Discharge of Obligations: Refunds Provided Under Section 47E

Under section 47H of the ESOS Act the College must provide notice to the Commonwealth Department of Education and the Director of the TPS within seven days after the end of the Provider Obligation Period in the event of the international student defaulting due to visa refusal (section 47E of the ESOS Act).

The notice must include the following:

- whether the College provided a refund under section 47E
- details of the student the College provided a refund to
- details of the amount of the refund provided.

The notice must also comply with the requirements of the Education Services for Overseas Students (Student default discharge of obligations – requirements for a notice) Specification 2015 (No. 1).

Record Keeping

The College maintains evidence of compliance with this policy by maintaining records of refund decisions.

Guidelines Review Cycle: Annually by the Senior Leadership Team or otherwise as necessary.

Status of Document	
Approved by: Senior Leadership Team	Date: May 2024
Approved by: School Advisory Council	Date:
Review Date: Yearly	Date: May 2025